

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**BRIAN CUMMINGS,**

**Plaintiff,**

**v.**

**BRETTON KEEFER, on behalf of the  
deceased CHESTA SHOEMAKER,  
AFSOON HAGH, and  
JEANNE BURTON, Trustee on behalf  
of CUMMINGS MANOOKIAN, PLC,**

**Defendants.**

**Case No. 3:22-cv-00301**

**Chief Judge Waverly D. Crenshaw, Jr.  
Magistrate Judge Alistair E. Newbern**

**DECLARATION OF ELIZABETH S. TIPPING**

I, Elizabeth S. Tipping, state that the following facts are true based upon my personal knowledge:

1. I am counsel of record for the above-named Plaintiff, Brian Cummings.
2. On October 28, 2022, I spoke with Deputy U.S. Marshal Robert Capus regarding his attempted service of process upon Defendant Afsoon Hagh at 226 Pelham Drive in Brentwood, Tennessee.
3. During our telephone conversation, Deputy U.S. Marshal Capus viewed a photograph of Brian Manookian on the internet, and stated that Mr. Manookian is the individual identified as “#2 Male” in the Return of Service document filed October 25, 2022. Deputy U.S. Marshal Capus confirmed that Mr. Manookian was at 226 Pelham Drive, Brentwood, Tennessee, on October 11, 2022. Deputy U.S. Marshal Capus further confirmed that Mr. Manookian was the individual described in the Return of Service document who told him to leave, threw the summons

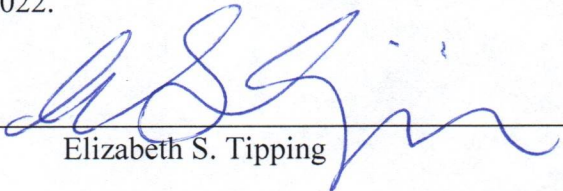


on the ground, and then picked the summons up and threw it into Deputy U.S. Marshal Capus's car.

4. I have submitted a Touhy request to the Office of General Counsel, asking that Deputy U.S. Marshal Capus provide additional details in writing concerning his interactions with "#2 Male" at 226 Pelham Drive, Brentwood, Tennessee, on October 11, 2022. In particular, I have requested that Deputy U.S. Marshal Capus confirm for the Court, in a Declaration or other written form, that he has identified Mr. Manookian as the individual described as "#2 Male" who told Deputy U.S. Marshal Capus to leave, threw the summons on the ground, and then threw it into Deputy U.S. Marshal Capus's vehicle. This request is currently in process.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 16, 2022.

  
Elizabeth S. Tipping

Respectfully Submitted,

**COUNTERPOINT LEGAL, PLC**

By: 

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served on this the 16th day of November, 2022, via the Court's electronic filing system on the following:

Phillip G. Young, Jr.  
Thompson Burton PLLC  
1801 West End Avenue, Suite 1550  
Nashville, TN 37203  
[phillip@thompsonburton.com](mailto:phillip@thompsonburton.com)

and via United States First Class mail, postage prepaid on the following:

Bretton Keefer  
5554 Pumpkintown Lane  
Lafayette, TN 37083

Afsoon Hagh  
Hagh Law PLC  
226 Pelham Drive  
Brentwood, Tennessee 37027-4237

